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*Attorneys for Defendant
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN DOE,	:	
	:	
Plaintiff,	:	Civ. A. No. 3:16-cv-04882-BRM-TJB
	:	
V.	:	
	:	
RIDER UNIVERSITY,	:	
	:	
Defendant.	:	
	:	

**DECLARATION OF ANGELO A. STIO, III IN SUPPORT OF THE
PARTIES' JOINT MOTION TO SEAL MATERIAL**

ANGELO A. STIO, III hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney-at-law licensed to practice in the State of New Jersey and a partner in Pepper Hamilton LLP's New Jersey office, located at Suite 400, 301 Carnegie Center, Princeton, New Jersey 08543. Pepper Hamilton is counsel for Defendant Rider University in this matter.

2. I submit this declaration in support of the parties' Joint Motion to Seal Material pursuant to Local Civil Rule 5.3(c). I have conferred with Plaintiff's counsel and they have advised me that I am authorized to submit this declaration in support of the Joint Motion to Seal Material.

3. This case arises from an investigation and disciplinary hearing into an allegation of sexual assault involving Plaintiff John Doe and a female student referred to in the Amended Complaint as Jane Roe. Jane Roe is not a party to this case. The matter also involves other Rider students who were witnesses during the disciplinary hearing, but are not parties to this case.

4. The parties have filed the following un-redacted documents in this case under seal: (1) Defendant Rider University's Memorandum of Law in Support of its Motion to Dismiss Counts III, IV and V of Plaintiff's Amended Complaint; and (2) Plaintiff's Response in Opposition to Defendant's Motion to Dismiss Amended Complaint. Redacted versions of the aforementioned documents were filed for public review. (*See* Dkt. Nos. 42 and 45).

5. On October 31, 2018, the Court issued an Opinion resolving the Motion to Dismiss. (Dkt. 60). That Opinion relies upon and references confidential information contained in the parties un-redacted briefs. Attached as Exhibit 1 is a redacted version of the Court's Opinion that the parties request the

Court utilize as the public version of the Court's Opinion. The redacted version removes from public disclosure references to educational records of students who are not parties to this case.

6. Counsel for the parties have met and conferred about the sealing requested in this motion and agree that the un-redacted materials identified in paragraph 4 of this Declaration, as well as the sealing of portions of the Court's October 31, 2018 Opinion identified in paragraph 5, should occur in order to prevent the public disclosure of such information, which is expressly protected under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

7. FERPA protects the privacy of students by prohibiting the disclosure of education records that contain information "directly related to a student," including their name, address, or "other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty" to an unauthorized individual. *See generally* 20 U.S.C. § 1232g; 34 C.F.R. 99.3.

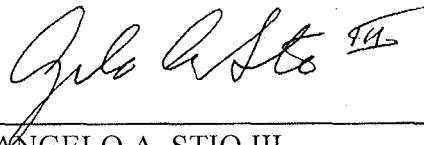
8. The un-redacted materials identified in paragraph 4 of this Declaration, and portions of the Court's Opinion identified in paragraph 5 of this Declaration, should remain sealed because they contain (1) highly sensitive and personal identifying information regarding a sexual encounter involving a non-party student to this case, and/or (2) education records of other Rider students (also not parties to this case) involved in the University's investigation and hearing process.

9. Attached as Exhibit 2 is a chart containing the information required for a motion to seal, and which sets forth the information the parties seek to seal as contained in the documents listed on the chart. Since the Court's Opinion relies upon the documents referenced above, the parties request that it be sealed as well.

10. Plaintiff's counsel consents to and joins in the relief requested through this motion.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2018.


ANGELO A. STIO III